



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/177,047	10/22/98	BRINKLEY	K

FROST & JACOBS  
2500 PNC CENTER  
201 EAST FIFTH STREET  
CINCINNATI OH 45202

PM82/0523

EXAMINER
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JOHNSON, S

ART UNIT	PAPER NUMBER
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3641

10

DATE MAILED:

05/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/177,047**

Applicant(s)

**Kenneth L. Brinkley**

Examiner  
**Stephen M. Johnson**

Group Art Unit  
**3641**



☒ Responsive to communication(s) filed on Feb 7, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-41 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

1. The reply filed on 02/07/2000 is not fully responsive to the prior Office action because of the following omission(s) or matter(s):

a) With regard to the proposed drawing correction of fig. 2:

Amendments to the drawings (37 CFR 1.121(b)(3))

a. Amendments to the original patent drawings are not permitted. 37 CFR 1.121(b)(3)(I).

b. Any changes to the patent drawings **must** be made by way of a **new sheet** of drawings with the amended figures identified as "amended" and with added figures identified as "new" for each sheet of drawings changed, as required by 37 CFR 1.84. 37 CFR 1.121(b)(3)(I).

c. When a change to the drawings is desired, a separate paper must be filed and it should include a sketch showing the proposed changes in red. If the examiner approves the proposed changes, the new drawing sheets, including the changes, should be submitted. 37 CFR 1.121(b)(3)(ii).

b) Each amendatory change, when first submitted, must be accompanied by an explanation of the support in the disclosure of the patent for the change (along with any additional comments) on page(s) separate from the page(s) containing the amendment. 37 CFR 1.121(b)(2)(iii).

This is in regard to both the amendatory changes in the written specification, drawings, and particularly claims 1, 5, 7-11, 13-21, and 22-41.

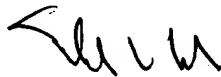
See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is

Art Unit:

longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication should be directed to Stephen M. Johnson at telephone number (703)-306-4158.



**STEPHEN M. JOHNSON**  
**PRIMARY EXAMINER**